

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY BOYNES,

Plaintiff,

v.

COUNTY OF LAWRENCE, DR. JOHN
DOE, NURSE FRAN, NURSE
ROXANNE and PRIMECARE
MEDICAL, INC.,

Defendants.

* CIVIL ACTION-LAW

*

* Case No.: 2:15-CV-00139-CRE

*

* MAG. JUDGE CYNTHIA REED
* EDDY

*

*

* ELECTRONICALLY FILED

*

*

*

*

*

JURY TRIAL DEMANDED

COUNTERSTATEMENT OF UNDISPUTED FACT

AND NOW, comes Plaintiff, Henry Boynes, by his attorney Louis J. Kroeck, and files the following Counterstatement of Undisputed Facts.

1. This action arises from Plaintiff's incarceration at the Lawrence County Jail.
2. Plaintiff filed two separate grievances concerning the issues in his Complaint.

Plaintiff's Sworn Affidavit at Paragraph no. 3, Appendix C, Plaintiff's Deposition at Page 34, Appendix B.

3. Plaintiff never received a response to either of the grievances he filed. Plaintiff's Sworn Affidavit at Paragraph no. 3, Appendix C, Plaintiff's Deposition at Page 36, Appendix B.

4. Plaintiff was familiar with the grievance process at Lawrence County Jail.
Plaintiff's sworn statement at Paragraph no. 1, Appendix C.
5. Plaintiff was instructed by prison staff to file grievances with his state representative while in the custody of Lawrence County Jail. Plaintiff's sworn statement at Paragraph no. 2 Appendix C, Plaintiff's Deposition at Page 20, Appendix B.
6. Plaintiff did not know that he had been seriously injured until he left the care of Lawrence County Jail. Plaintiff's deposition at page 28, Appendix B. See also SCI Telemedicine report Attached as Appendix G.
7. Plaintiff's verbal request to have Dr. Rosino evaluate his arm was denied.
Plaintiff's deposition at Page 24, Appendix B.
8. Lawrence County has been unable to produce or locate the inmate file for Plaintiff. See Appendix D generally.
9. Lawrence County has been unable to produce a copy of any grievance filed by Plaintiff. See Appendix D generally.
10. Lawrence County accepted service of the second grievance filed by Plaintiff by certified mail. See Appendix E.
11. Plaintiff's Complaint was filed on January 30, 2015. See Appendix A.
12. Plaintiff did not receive a telemedicine report explaining the nature and extent of his injury until after February 1, 2013. See Appendix G.

Respectfully submitted,

s/Louis J. Kroeck

Louis J. Kroeck
PA ID No. 210045
lkroeck@ambylaw.com

1300 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219-1911

412-765-3700 Telephone
412-765-3730 Facsimile

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the within counterstatement of undisputed fact was served to all counsel through the ecf Electronic Case Filing System on this 18th day of October, 2016.

Marie Mile Jones, Esquire
Michael R. Lettrich, Esquire
JonesPassodelis, PLLC
Gulf Tower, Suite 3510
707 Grant St.
Pittsburgh, PA 15219
mjones@jonespassodelis.com
mlettrich@jonespassodelis.com

John R. Ninosky, Esquire
301 Market Street P.O. Box 109
Lemoyne, PA 17043
jrn@jdsd.com

Terry C. Cavanaugh, Esquire
Brett C. Shear, Esquire
US Steel Tower, Suite 2900
600 Grant Street
Pittsburgh, PA 15219
tccavanaugh@mdwgc.com

Respectfully submitted,

s/Louis J. Kroeck

Louis J. Kroeck